**IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL**

Writ Petition No. 92 (SS) of 2007

Nandan Singh Basnal,
Son of Sri H.S. Basnal,
Cooperative Inspector Group II,
C/o Assistant Registrar,
Cooperative Societies,
Nainital, Uttarakhand. **……Petitioner.**

Versus

1. State of Uttarakhand through Secretary, Cooperative Department, Government of Uttaranchal at Dehradun.

2. Registrar, Cooperative Societies, Uttaranchal, Dehradun.

**……Respondents**

**Hon'ble M.M. Ghildiyal, J**

Heard Sri Manoj Tiwari, holding brief of Sri R.S. Sammal learned counsel for the petitioner and Sri N.P. Shah learned standing counsel for State of Uttarakhand on behalf of respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:

1. *issue a writ, order or direction in the nature of Certiorari quashing the impugned transfer orders dated 06.07.2006, 03.01.2007 and 10.01.2007 passed by respondent no. 2 (Annexure no. 5 and 6) in so far as it relates to the petitioner.*
2. *issue a writ, order or direction in the nature of which this Hon'ble court may deem fit and proper in the circumstances of the case.*

*3. award the costs of the petition in favour of the petitioner.*

Petitioner, who is working as Cooperative Inspector Grade II, in Nainital earlier challenged order dated 06.07.2006 passed by respondent no. 2 by means of writ petition no. 954 (SS) of 2006. Order impugned was challenged by the petitioner on the ground that number of Cooperative Inspector Gr. II are staying at Nainital for more than the period the petitioner is staying and they have not been transferred by the respondents.

The submission of the petitioner was that respondents are adopting pick and choose policy in transfer and consequently, the petitioner has been transferred from Nainital to Champawat. In these circumstances, this court while disposing of writ petition 954 (SS) of 2006 on 14.07.2006 directed the petitioner to make representation within a period of ten days before Registrar, Cooperative Societies, Uttarakhand, Dehradun, and Registrar, Cooperative Societies, Uttarakhand, Dehradun was directed to take decision on the representation by speaking order especially on the allegation why pick and choose policy has been adopted by the department in making transfer and not transferring the persons, who are staying at Nainital for more than 20 years.

After passing of this order respondent no. 2 has passed order dated 03.01.2007 (wrongly typed as 03.01.2006) wherein he has stated that the petitioner has not made any representation and transfer of the petitioner has been made on public interest.

Learned counsel for the petitioner has submitted that representation has already been filed along with writ petition no. 954 (SS) of 2006.

Assuming that the petitioner has not filed fresh representation, it was expected from the respondent no. 2 to take into consideration the observations made by the court in the judgement dated 14.07.2006 passed in writ petition no. 954 (SS) of 2006 while passing the order dated 03.01.2007.

This court has specifically held in its judgement dated 14.07.2006 that respondent no. 2 shall pass speaking order especially on the allegation why pick and choose policy has been adopted in making transfer. In view of this Registrar, Cooperative Societies, Uttarakhand, Dehradun was duty bound to pass speaking order.

It was specific allegation of the petitioner that persons, who are staying at Nainital for more than 20 years, have not been transferred and petitioner, who is at the verge of retirement and is staying at Nainital for about 10 years has been transferred.

Though there was specific allegation in the writ petition and specific observation made in the judgement but Registrar, Cooperative Societies, Uttarakhand, Dehradun did not care to make mention of the fact that why he has adopted pick and choose policy or there is no person who is serving at Nainital for about 20 years.

In the circumstance stated above, order dated 03.01.2007 and order dated 10.01.2007 are quashed. Petitioner is directed to make fresh representation before Registrar, Cooperative Societies, Uttarakhand, Dehradun within a period of two weeks from today and Registrar, Cooperative Societies, Uttarakhand, Dehradun is directed to pass speaking order, keeping in view the observation made in the judgment dated 14.07.2006 passed

by this court in writ petition no. 954 (SS) of 2006 on the representation of the petitioner within a period of three weeks from the date of production of representation.

With this direction, writ petition as well as stay application no. 1 of 2007 is finally disposed of. No order as to costs.

**(M.M. Ghildiyal, J)**

March 9, 2007
SKSharma